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No. 29] NEW DELHI, JULY 17—JULY 23, 2022, SATURDAY/ASADHA 26—SRAVANA 1, 1944

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)
(केन्द्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड)
नई दिल्ली, 28 जून, 2022

का.आ. 678.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, प्रधान आयुक्त का कार्यालय, केन्द्रीय माल और सेवाकर, जम्मू, ओ.बी.-32-रेल हैड कॉम्प्लेक्स, जम्मू, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/3/2017- हिन्दी-2 डीओआर]

नीहारिका सिंह, निदेशक (राजभाषा)

MINISTRY OF FINANCE**(Department of Revenue)****(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)**

New Delhi, the 28th June, 2022

S.O. 678.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, Office of the Principal Commissioner, Central Goods and Services Tax, Jammu, O.B.-32, Rail Head Complex, Jammu, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017-Hindi-II DOR]

NIHARIKA SINGH, Director (OL)

नई दिल्ली, 19 जुलाई, 2022

का.आ. 679.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, निम्नलिखित कार्यालय जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

क्रम सं.	कार्यालय का नाम	कार्यालय का पता
1	केंद्रीय वस्तु एवं सेवा कर आयुक्तालय, उदयपुर	कार्यालय आयुक्त, केंद्रीय वस्तु एवं सेवा कर आयुक्तालय, उदयपुर 142-बी, हिरण मगरी, सेक्टर-11, उदयपुर
2	केंद्रीय वस्तु एवं सेवा कर संभाग-ए उदयपुर	कार्यालय उप/सहायक आयुक्त, केंद्रीय वस्तु एवं सेवा कर संभाग-ए उदयपुर, चतुर्थ तल, एल.आई.सी.भवन, रेती स्टैंड, उदयपुर
3	केंद्रीय वस्तु एवं सेवा कर संभाग-बी उदयपुर	कार्यालय उप/सहायक आयुक्त, केंद्रीय वस्तु एवं सेवा कर संभाग-बी उदयपुर, चतुर्थ तल, एल.आई.सी.भवन, रेती स्टैंड, उदयपुर
4	केंद्रीय वस्तु एवं सेवा कर संभाग-सी उदयपुर	कार्यालय उप/सहायक आयुक्त, केंद्रीय वस्तु एवं सेवा कर संभाग-सी उदयपुर 142-बी, हिरण मगरी, सेक्टर-11, उदयपुर
5	केंद्रीय वस्तु एवं सेवा कर संभाग-डी कांकरोली	कार्यालय उप/सहायक आयुक्त, केंद्रीय वस्तु एवं सेवा कर संभाग-डी कांकरोली आर.के. अस्पताल के सामने, भीलवाड़ा बाईपास, कांकरोली, जिला-राजसमन्द
6	केंद्रीय वस्तु एवं सेवा कर संभाग-ई भीलवाड़ा	कार्यालय उप/सहायक आयुक्त, केंद्रीय वस्तु एवं सेवा कर संभाग-ई भीलवाड़ा, 11 आजाद नगर, पन्नाधाय सर्किल के समीप, भीलवाड़ा
7	केंद्रीय वस्तु एवं सेवा कर संभाग-एफ भीलवाड़ा	कार्यालय उप/सहायक आयुक्त, केंद्रीय वस्तु एवं सेवा कर संभाग-एफ भीलवाड़ा, 11 आजाद नगर, पन्नाधाय सर्किल के समीप, भीलवाड़ा
8	केंद्रीय वस्तु एवं सेवा कर संभाग-जी चित्तोड़गढ़	कार्यालय उप/सहायक आयुक्त, केंद्रीय वस्तु एवं सेवा कर संभाग-जी चित्तोड़गढ़, सेक्टर 4, खनिज भवन के पास, गांधीनगर, चित्तोड़गढ़
9	केंद्रीय वस्तु एवं सेवा कर संभाग-एच कोटा	कार्यालय उप/सहायक आयुक्त, केंद्रीय वस्तु एवं सेवा कर संभाग-एच, सी.ए.डी. सर्किल, राजस्व भवन, कोटा
10	केंद्रीय वस्तु एवं सेवा कर संभाग-आई कोटा	कार्यालय उप/सहायक आयुक्त, केंद्रीय वस्तु एवं सेवा कर संभाग-आई, सी.ए.डी. सर्किल, राजस्व भवन, कोटा

[फा. सं. ई-11017/3/2017- हिन्दी-2 डीओआर]

नीहारिका सिंह, निदेशक (राजभाषा)

New Delhi, the 19th July, 2022

S.O. 679.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, the following offices under Department of revenue where more than 80% staff have acquired the working knowledge of Hindi.

S.No.	Office Name	Office Address
1	Central Goods and Services Tax Commissionerate, Udaipur	Office of the Commissioner, Central Goods and Services Tax Commissionerate, Udaipur 142-B, Hiran Magri, Sector-11, Udaipur
2	Central Goods and Services Tax Division-A Udaipur	Office of the Deputy/Assistant Commissioner, Central Goods and Services Tax Division-A Udaipur, 4th Floor, LIC Bhawan, Reti Stand, Udaipur
3	Central Goods and Services Tax Division-B Udaipur	Office of the Deputy/Assistant Commissioner, Central Goods and Services Tax Division- B Udaipur, 4th Floor, LIC Bhawan, Reti Stand, Udaipur
4	Central Goods and Services Tax Division-C Udaipur	Office of the Deputy/Assistant Commissioner, Central Goods and Services Tax Division - C Udaipur 142-B, Hiran Magr, Sector-11, Udaipur
5	Central Goods and Services Tax Division-D Kankroli	Office of the Deputy/Assistant Commissioner, Central Goods and Services Tax Division-D Kankroli R.K. Opposite Hospital, Bhilwara Bypass, Kankroli, District- Rajsamand
6	Central Goods and Services Tax Division-E Bhilwara	Office of the Deputy/Assistant Commissioner, Central Goods and Services Tax Division-E Bhilwara, 11 Azad Nagar, Near Pannadhay Circle, Bhilwara
7	Central Goods and Services Tax Division-F Bhilwara	Office of the Deputy/Assistant Commissioner, Central Goods and Services Tax Division -F Bhilwara, 11 Azad Nagar, Near Pannadhay Circle, Bhilwara
8	Central Goods and Services Tax Division-G Chittorgarh	Office of the Deputy/Assistant Commissioner, Central Goods and Services Tax Division-G Chittorgarh, Sector 4, Near Mineral Bhawan, Gandhinagar, Chittorgarh
9	Central Goods and Services Tax Division-H Quota	Office of the Deputy/Assistant Commissioner, Central Goods and Services Tax Division-H, CAD. Circle, Revenue Bhawan, Kota
10	Central Goods and Services Tax Division-I Quota	Office of the Deputy/Assistant Commissioner, Central Goods and Services Tax Division -I, CAD. Circle, Revenue Bhawan, Kota

[F. No. E-11017/3/2017-Hindi-II DOR]

NIHARIKA SINGH, Director (OL)

कोयला मंत्रालय

नई दिल्ली, 20 जुलाई, 2022

का.आ. 680.—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) के अधीन भारत सरकार के, कोयला मंत्रालय के द्वारा जारी की गई अधिसूचना संख्यांक 426, तारीख 5 जुलाई, 2021, जो भारत के राजपत्र, भाग II, खण्ड 3 उप-खण्ड (ii), तारीख 10 जुलाई, 2021 में प्रकाशित की गई थी, उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 105.97 एकड़ (लगभग) अथवा 42.88 हेक्टेयर (लगभग) है, कोयले का पूर्वोक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना में उपाबद्ध अनुसूची में विनिर्दिष्ट की गई उक्त भूमि के भाग में कोयला अभिप्राप्य है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 105.97 एकड़ (लगभग) अथवा 42.88 हेक्टेयर (लगभग) माप की उक्त भूमि के सभी अधिकार के अर्जन करने के अपने आशय की सूचना देती है ;

टिप्पण 1 : इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या आरईवी/08/2021, तारीख 15 दिसंबर, 2021 का निरीक्षण उपायुक्त, जिला – हजारीबाग, झारखण्ड के कार्यालय या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता – 700001 के कार्यालय या महाप्रबंधक, अरगड़ा क्षेत्र, जिला – हजारीबाग, झारखंड के कार्यालय या महाप्रबंधक (भूमि और राजस्व), सेंट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, राँची – 834001, झारखंड या मुख्य महाप्रबंधक (गवेषण विभाग), सेंट्रल माइन प्लानिंग एंड डिजाइन इंस्टीच्यूट लिमिटेड, गोंडवाना पैलेस, कांके रोड, राँची – 834008, झारखंड में किया जा सकता है।

टिप्पण 2 : उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं :-

“8. अर्जन की बाबत आपत्तियां.- (1) कोई व्यक्ति, जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने के तीस दिनों के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण.- इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएँ करना चाहता है और ऐसी संक्रियाएँ केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात और ऐसी अतिरिक्त जाँच, यदि कोई हो, करने के पश्चात जो वह आवश्यक समझता है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्रवाई के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा, जो प्रतिकर में हित का दावा करने को हकदार होता, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते।”

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता -700001 को उक्त अधिनियम की धारा (3) के अधीन अधिसूचना संख्या का.आ. 2518, तारीख 27 मई 1983, जो भारत के राजपत्र, भाग I, खंड 3, उप-खंड (ii), तारीख 11 जून 1983 में प्रकाशित की गई थी, सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची
गिद्दी 'सी' ओपनकास्ट परियोजना
जिला हजारीबाग (झारखण्ड)

(रेखांक संख्यांक आरईवी/ 08/ 2021, तारीख 15 दिसम्बर, 2021)

सभी अधिकार:

क्रम सं.	खंड	ग्राम	थाना संख्या	अंचल	जिला	अर्जन के अधीन क्षेत्र		टिप्पणियां
						एकड़ में	हेक्टेयर में	
1.	क	डाड़ी	43	डाड़ी	हजारीबाग	87.51	35.41	भाग
2.	ख	डाड़ी	43	डाड़ी	हजारीबाग	0.32	0.13	भाग
3.	ग	डाड़ी	43	डाड़ी	हजारीबाग	18.14	7.34	भाग
कुल क्षेत्र (क + ख + ग):						105.97 एकड़ (लगभग)	42.88 हेक्टेयर (लगभग)	

भू - अभिलेख के अनुसार अधिग्रहित किए जाने वाले प्लॉट की विवरणी:

ब्लॉक	ग्राम	थाना सं.	खाता सं.	प्लॉट सं.	अधिग्रहण की भूमि (एकड़ में)	भूमि का प्रकार	अभिलिखित भूस्वामी का नाम
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
क	डाड़ी	43	90	803	4.24	गैर मजरुवा (जंगल झाड़ी)	सरकारी भूमि
				803	8.50	अधिसूचित वन भूमि	सरकारी भूमि
				890	4.50	गैर मजरुवा (जंगल झाड़ी)	सरकारी भूमि
				901	0.28	गैर मजरुवा (परती)	सरकारी भूमि
				904	14.99	गैर मजरुवा (जंगल झाड़ी)	सरकारी भूमि
				904	7.16	अधिसूचित वन भूमि	सरकारी भूमि
				909	1.29	गैर मजरुवा (परती)	सरकारी भूमि
				914	0.79	गैर मजरुवा (पत्थर)	सरकारी भूमि
				917	0.04	गैर मजरुवा (पत्थर)	सरकारी भूमि
				924	0.46	गैर मजरुवा (पत्थर)	सरकारी भूमि
				936	2.50	गैर मजरुवा (झाड़ी)	सरकारी भूमि
				936	7.61	अधिसूचित वन भूमि	सरकारी भूमि
				944	5.85	गैर मजरुवा (जंगल झाड़ी)	सरकारी भूमि
				944	13.57	अधिसूचित वन भूमि	सरकारी भूमि

				954	0.07	गैर मजरुवा (जंगल झाड़ी)	सरकारी भूमि
				1486	4.27	गैर मजरुवा (जंगल झाड़ी)	सरकारी भूमि
				1486	10.90	अधिसूचित वन भूमि	सरकारी भूमि
				1494	0.49	गैर मजरुवा (जंगल झाड़ी)	सरकारी भूमि
				कुल (ब्लॉक क)		87.51	
ख	डाडी	43	90	841	0.29	गैर मजरुवा (परती)	सरकारी भूमि
				833	0.03	गैर मजरुवा (पत्थर)	सरकारी भूमि
				कुल (ब्लॉक ख)		0.32	
ग	डाडी	43	90	825	18.14	गैर मजरुवा (जंगल झाड़ी)	सरकारी भूमि
	कुल (ब्लॉक ग)			18.14			
कुल क्षेत्र (क+ख+ग):					105.97		

सीमा - वर्णन:

क्रम सं.	सीमा रेखा	सीमा वर्णन
1.	ए1-ए2-ए3-ए4-ए5-ए6-ए7-ए1.	रेखा बिन्दु 'ए1' से आरंभ होकर बिन्दु ए2, ए3, ए4, ए 5 ए 6 से गुजरते हुए आरंभिक बिन्दु 'ए1' पर मिलती है।
2.	बी1-बी2-बी3-बी4-बी5-बी6-बी7-बी1.	रेखा बिंदु 'बी1' से आरंभ होकर बिन्दु बी2, बी3, बी4, बी5, बी6, एवं बी 7 से गुजरते हुए आरंभिक बिन्दु 'बी1' पर मिलती है।
3.	सी1-सी2-सी3-सी4-सी5-सी6-सी7-सी8-सी9-सी10-सी11-सी12-सी13-सी14-सी15-सी16-सी17-सी18-सी19-सी20-सी21-सी22-सी23-सी24-सी25-सी26-सी27-सी28-सी29-सी30-सी31-सी32-सी33-सी34-सी35-सी36-सी37-सी38-सी39-सी40-सी41-सी42-सी43-सी1.	रेखा बिन्दु 'सी1' से आरंभ होकर बिन्दु सी2, सी3, सी4, सी5, सी6, सी7, सी8, सी9, सी10, सी11, सी12, सी13, सी14, सी15, सी16, सी17, सी18, सी19, सी20, सी21, सी22, सी23, सी24, सी25, सी26, सी27, सी28, सी29, सी30, सी31, सी32, सी33, सी34, सी35, सी36, सी37, सी38, सी39, सी40, सी41, सी42, तथा सी43 से गुजरते हुए आरंभिक बिन्दु 'सी1' पर मिलती है।

[फा. सं. 43015/04/2021-एलए एण्ड आईआर]

राम शिरोमणि सरोज, निदेशक

MINISTRY OF COAL

New Delhi, the 20th July, 2022

S.O. 680.—Whereas by the notification of Government of India in the Ministry of Coal, number S.O. 426, dated the 5th July 2021, issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957(20 of 1957) (hereinafter referred to as the said Act), published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 10th July, 2021, the Central Government gave notice of its intention to prospect for coal in 105.97 acres (approximately) or 42.88 hectares (approximately) of the land in the locality specified in the Schedule annexed to that notification;

And, whereas, the Central Government is satisfied that coal is obtainable in a part of the said lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands measuring 105.97 acres (approximately) or 42.88 hectares (approximately) and all rights in or over the said lands as specified in the Schedule appended hereto;

Note 1: The plan bearing number Rev/08/2021, dated the 15th December, 2021, the area covered by this notification may be inspected at the office of the Deputy Commissioner, District Hazaribagh, Jharkhand or at the office of the Coal Controller, 1, Council House Street, Kolkata-700 001 or at the office of the General Manager, Argada Area, District Hazaribagh, Jharkhand or General Manager (Land and Revenue), Central Coalfields Limited, Darbhanga House, Ranchi-834001, Jharkhand or General Manager (Exploration Division), Central Mine Planning and Design Institute Limited, Gondwana Palace, Kanke Road, Ranchi-834008.

Note 2: Attention is hereby invited to the provisions of section 8 of the said Act which provides as follows:-

" 8. Objections to acquisition.- (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or any rights in or over such land.

Explanation.- It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceeding held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3: The Coal Controller, 1, Council House Street, Kolkata-700 001 has been appointed by the Central Government as the competent authority under section 3 of the said Act, *vide* notification number S.O. 2518, dated the 27th May, 1983, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 11th June, 1983.

SCHEDULE

Gidi 'C' Opencast Project

District- Hazaribagh (Jharkhand)

(Plan bearing number Rev/08/2021, dated the 15th December, 2021)

All Rights :

Serial number	Block	Village	Thana number	Circle	District	Area under acquisition		Remarks
						in acres	in hectares	
1.	A	Dari	43	Dari	Hazaribagh	87.51	35.41	Part
2.	B	Dari	43	Dari	Hazaribagh	0.32	0.13	Part
3.	C	Dari	43	Dari	Hazaribagh	18.14	7.34	Part
Total area : (A+B+C) :						105.97 acres (approximate)	42.88 hectares (approximate)	

Details of plots to be acquired as per land record:

Block	Village	Thana number	Khata number	Plot number	Area under acquisition	Type of land	Name of recorded tenant
					(in acres)		
A	Dari	43	90	803	4.24	Gair Majurwa (Jungle Jhari)	Government land
				803	8.50	Notified forest	Government land

				890	4.50	Gair Majurwa (Jungle Jhari)	Government land
				901	0.28	Gair Majurwa (Parti)	Government land
				904	14.99	Gair Majurwa (Jungle Jhari)	Government land
				904	7.16	Notified forest	Government land
				909	1.29	Gair Majurwa (Parti)	Government land
				914	0.79	Gair Majurwa (Pathar)	Government land
				917	0.04	Gair Majurwa (Pathar)	Government land
				924	0.46	Gair Majurwa (Pathar)	Government land
				936	2.50	Gair Majurwa (Jhari)	Government land
				936	7.61	Notified forest	Government land
				944	5.85	Gair Majurwa (Jungle Jhari)	Government land
				944	13.57	Notified forest	Government land
				954	0.07	Gair Majurwa (Jungle Jhari)	Government land
				1486	4.27	Gair Majurwa (Jungle Jhari)	Government land
				1486	10.90	Notified forest	Government land
				1494	0.49	Gair Majurwa (Jungle Jhari)	Government land
				Total of block A:			
B	Dari	43	90	841	0.29	Gair Majurwa (Parti)	Government land
				833	0.03	Gair Majurwa (Pathar)	Government land
Total of block B:					0.32		
C	Dari	43	90	825	18.14	Gair Majurwa (Jungle Jhari)	Government land
Total of block C :					18.14		
Grand total area (A+B+C)				:	105.97		

Boundary description:

Serial number	Boundary Line	Boundary description
1.	A1-A2-A3-A4-A5-A6-A1.	Line starts from point 'A1' and passes through points A2, A3, A4 and A5 and meets at starting point 'A1'.
2.	B1-B2-B3-B4-B5-B6-B7-B1.	Line starts from point 'B1' and passes through points B2, B3, B4, B5, B6 and B7 and meets at starting point 'B1'.
3.	C1-C2-C3-C4-C5-C6-C7-C8-C9-C10-C11-C12-C13-C14-C15-C16-C17-C18-C19-C20-C21-C22-C23-C24-C25-C26-C27-C28-C29-C30-C31-C32-C33-C34-C35-C36-C37-C38-C39-C40-C41-C42-C43-C1.	Line starts from point 'C1' and passes through points C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12, C13, C14, C15, C16, C17, C18, C19, C20, C21, C22, C23, C24, C25, C26, C27, C28, C29, C30, C31, C32, C33, C34, C35, C36, C37, C38, C39, C40, C41, C42 and C43 and meets at starting point 'C1'.

[F. No. 43015/04/2021-LA&IR]

RAM SHIROMANI SAROJ, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 5 जुलाई, 2022

का.आ. 681.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रम के निम्नलिखित कार्यालय को, जिनके 80 या अधिक प्रतिशत कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:-

**महाराष्ट्र राज्य कार्यालय,
इंडियन ऑयल कॉर्पोरेशन लिमिटेड,
(विपणन प्रभाग), इंडियन ऑयल भवन
प्लॉट सी 33, जी ब्लॉक, बांद्रा कुर्ला कॉम्प्लेक्स,
बांद्रा (पूर्व), मुम्बई - 400051**

[फा. सं. 11012/3/2021-ओएल]

शोभना श्रीवास्तव, उप निदेशक (राजभाषा)

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 5th July, 2022

S.O. 681.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976, the central Government hereby notifies the following office of the Public Sector undertaking under the administrative control of the Ministry of Petroleum & Natural Gas, in which 80 or more percent of the staff have acquired working Knowledge of Hindi:-

**Maharashtra State Office,
Indian Oil Corporation Limited,
(Marketing Division), Indian Oil Bhawan
Plot C 33, G Block, Bandra Kurla Complex,
Bandra (East), Mumbai - 400051**

[F. No. 11012/3/2021-OL]

SHOBHANA SRIVASTAVA, Dy. Director (OL)

श्रम और रोजगार मंत्रालय

नई दिल्ली, 15 जुलाई, 2022

का.आ. 682.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, नं. 1 धनबाद के पंचाट (संदर्भ सं. 246/2001) को प्रकाशित करती है।

[सं एल-12012/148/2001-आईआर (बी-II)]

राजेन्द्र सिंह, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 15th July, 2022

S.O. 682.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 246/2001) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, No.1 Dhanbad* shown in the Annexure, in the industrial dispute between the management of *Bank of India* and their workmen.

[No. L-12012/148/2001-IR(B-II)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 246/2001**

Employer in relation to the management of Bank of India, Jamshedpur

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers :- Sri D.K. Verma, Advocate

For the workman. :- None

State : Jharkhand.

Industry:- Banking

Dated : 31.05.2022

AWARD

By Order No. L-12012/148/2001- (IR(B-II)) dated 13.11.2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the management of Bank of India, Sini Branch in not regularising the services of Shri Shyamal Ch. Roy is justified? If not, what relief the concerned workman is entitled to?”

2. The reference is received on 27/11/2001 by this Tribunal in which the Sh. S.C. Roy the concerned workman had been advised to submit statement of claim along with relevant document within fifteen days but the workman did not appear before the Tribunal. However, after receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently workman left appearing before this Tribunal. Thereafter, again regd. notices were issued to both the parties but the notice issued to workman returned unserved. Now this case is pending since 27/11/2001 and workman is not appearing before Tribunal, so it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 18 जुलाई, 2022

का.आ. 683.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार फेडरल बैंक लिमिटेड प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एर्नाकुलम के पंचाट (संदर्भ संख्या 50/2015) को प्रकाशित करती है।

[सं. एल-12025/01/2022-आईआर (बी-1)-07]

जी. गुहा, अवर सचिव

New Delhi, the 18th July, 2022

S.O. 683.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.50/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court* Ernakulam as shown in the Annexure, in the industrial dispute between the management of Federal Bank Ltd. and their workmen.

[No. L-12025/01/2022–IR(B-1) -07]

D. GUHA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, ERNAKULAM****Present:** Shri. V. Vijaya Kumar, B. Sc, LLM, Presiding Officer(Friday the 01st day of April 2022, 11 Caitra 1944)**ID No. 50/2015**

Workman : Sri. Nizar T.M
Peringattu Parambil House
Nettoor P.O., Maradu(Via)
Ernakulam- 682040.

By Adv.C.Anil Kumar

Management : The Chairman & CEO,
Federal Bank Limited,
Head Office, Federal Towers
Aluva
Ernakulam – 683101

By Adv. B. S .Krishnan Associates

This case coming up for final hearing on 26.11.2020 and 01.07.2021 and this Industrial Tribunal-cum-Labour Court 01.04.2022 passed the following:

AWARD

1. This is a claim petition filed under Section 2A(2) of Industrial Disputes Act, 1947.
2. According to workman, he joined the service of Federal Bank on 08.04.1985 as a Bankman. Since then he had an unblemished service record to his credit. When he was working in Poonithura Branch of the Management Bank, he was served with a charge sheet cum enquiry order dated 18.06.2013. It was alleged that one Sri. Antony M.J, a customer of the Branch alerted the cashier Sri. Gopakumar C.S that he had seen the workman pocketing a bundle of cash from the cash drawer. On verification, it is found that there is a shortage of Rs.50,000/-. The workman left the Branch at 5.15 PM without permission from the Chief Manager and he was summoned to the Branch and was instructed to return the money taken away by him. The workman refused having taken any money as alleged. It was also alleged that Smt. Dinu Joy, Assistant Manager informed the Chief Manager that she found the workman dropping something in the cash cabin. On verification, it was found that there was a bundle of 500 rupee notes of 90 pieces. On the basis of the above allegations, the workman was charge sheeted for doing acts prejudicial to the interest of the Management or gross negligence involving or likely to involve the Bank in serious loss. He submitted a reply to charge sheet on 28.06.2013 denying the allegations in the charge sheet. Without considering the explanation, the Enquiry Officer conducted an enquiry in complete violation of the principles of natural justice. The workman's objection regarding the procedure adopted by the Enquiry Officer was not considered positively. Even though the workman requested the Enquiry Officer to issue letters to two customers of the Bank for examining in the enquiry, the request was denied by Enquiry Officer thereby denying an opportunity to the workman to defend the charges in fair and proper manner. The non-examination of these two witnesses has caused serious prejudice to the workman. The Enquiry Officer submitted his report dated 02.02.2014 finding the workman guilty of charges alleged against him. The finding of the Enquiry Officer was not supported by any evidence and his findings are perverse. There is material contradictions in the deposition of MW1 to MW5 brought out through cross examination. The same was not considered by the Enquiry Officer. The workman had tendered evidence before the Enquiry Officer but the same was also not properly evaluated by the Enquiry Officer. The enquiry was conducted in flagrant violation of principles of natural justice and fairness.
3. The management filed Written Statement denying the above allegations. A charge sheet dated 18.06.2013 was issued to the workman alleging that on 07.03.2013, he had stolen an amount of Rs.50,000/- from the cash cabin of

Poonithura Branch of the Management Bank and returned Rs.45,000/- when the theft was revealed. On 07.03.2013, Sri. Antony M.J, a customer of Poonithura Branch informed Sri. Gopakumar C.S, cashier of the Branch that he had seen the workman pocketing a bundle of cash from the cash drawer. The workman was inside the cash cabin at around 11.40 AM in connection with a P/L voucher payment. Sri. Gopakumar C.S questioned the workman regarding the cash but he denied the same. Sri. Gopakumar informed the matter to Smt. Dinu Joy, Cash Officer who appraised the matter to the Chief Manager. The Cash Officer advised Sri. Gopakumar C.S to close the cash and tally the balance. On verifying the cash balance, a shortage of Rs.50,000/- was confirmed. The workman left the Branch at 5.15 PM without obtaining the permission of the Chief Manager. Hence the workman was called back to the Branch and was directed to return the money taken by him. The workman refused having taken the money. Smt. Dinu Joy also reported that she had seen the workman putting something in the cash cabin while entering the Bank when he was called back by the Chief Manager. The matter was reported to the Chief Manager and on verification, he found a 500 rupee note bundle with 90 pieces lying in the counter table of cash counter. When the Chief Manager questioned the workman regarding the balance of Rs.5000/-, the workman admitted that he had taken the bundle of cash and it contained only Rs.45,000/-. Considering the seriousness of the matter, the workman was kept on suspension and a domestic enquiry was ordered to look into the charges levelled against him. The Enquiry Officer conducted the enquiry strictly in accordance with the principles of natural justice. The Enquiry Officer/ Disciplinary Authority allowed the workman to engage an Advocate to represent his case in the enquiry. 5 witnesses were examined from the Management side and 12 documents were marked in the enquiry as Management exhibits. The defence side perused the documents and also cross examined the Management witness in detail. On conclusion of the evidence of the Management, the workman examined himself as a witness in the enquiry. After a careful analysis of the evidence produced in the enquiry, the Enquiry Officer concluded that the charges against the workman are proved. The finding of the Enquiry Officer was forwarded to the workman for his comments. He submitted his comments on 22.02.2014. After analyzing the entire records of the enquiry, the Disciplinary Authority agreed with the findings of the Enquiry Officer and held that the workman was guilty of committing acts of gross misconduct of "doing any act prejudicial to the interest of the Bank or gross negligence or negligence involving or likely to involve the Bank in serious loss". Considering the gravity of the charges proved, the Disciplinary Authority proposed a punishment of dismissal without notice on the workman. The Disciplinary Authority afforded an opportunity of personal hearing regarding the nature of proposed punishment. After considering all the facts and pleadings of the workman, the Disciplinary Authority imposed a punishment of dismissal without notice on the workman. The appeal filed by the workman was also rejected by the Appellate Authority vide order dated 01.08.2014. The evidence adduced in the enquiry sufficiently proves the fraud and theft committed by the workman. An employee committing theft of money and fraud in the Bank lack integrity and honesty and are potential threats to the institution where they are employed. Management also pleaded that, for any reason, if the enquiry conducted against the workman is found to be vitiated, they shall be given an opportunity to prove the charges by leading independent evidence in this proceeding.

4. On completion of pleadings the enquiry file is marked as Exbt.M1 by consent. The Counsels pleaded that the fairness of the enquiry proceedings may be decided as a preliminary issue. Hence the question whether the disciplinary enquiry conducted by the Enquiry Officer is fair and proper following the principles of natural justice was framed as a preliminary issue. This Tribunal vide order dt.16.12.2019 held that the enquiry was conducted in fair and proper manner following the principles of natural justice.

5. The other issues to be considered in this industrial dispute are :

1. Whether the finding of the Enquiry Officer and Disciplinary Authority are based on proper evidence?
2. Whether the punishment imposed by the Management on the workman is proportionate to the charges proved against the workman ?

6. Issue No.1

As per Exbt.EE1 in the Exbt.M1 file a charge memo was issued to the workman. As per the charge sheet on 07.03.2013 Sri. Antony M. J. a customer of the Branch Poonithura informed/alerted Sri. Gopakumar C. S., cashier of the Branch that he had seen Sri. Nizar T. M pocketing a bundle of cash from the cash drawer. Sri. Nizar T. M. was inside the cash cabin at around 11.40 AM in connection with a P/L voucher payment. Sri. Gopakumar C. S. questioned Sri. Nizar T. M about the swindling of cash, but he denied the same. Sri. Gopakumar C. S. immediately informed the matter to Smt. Dinu Joy, Cash Officer who appraised the matter to the Chief Manager and further advised Sri. Gopakumar C. S to close the cash and tally the balance. On verifying the cash balance, a cash shortage of Rs.50,000/- was confirmed. When confronted by Sri. Aliyas K. Kurian, Chief Manager, Sri. Nizar T. M denied that he had taken cash from the cash cabin. Thereafter Sri. Nizar T. M left the Branch at 5.15 PM without obtaining the permission of Chief Manager. Therefore, the Chief Manager summoned Sri. Nizar T. M to the Branch and instructed him to return the money taken by him and warned him of the consequences. However Sri. Nizar T. M refused to return the money. Meanwhile Smt. Dinu Joy found Sri. Nizar T. M stretching his hand into the cash cabin and throwing a bundle/packet. Smt. Dinu Joy informed this matter to the Chief Manager and on verification, a bundle of 90 pieces of 500 rupee notes were found lying on the counter table of cash cabin. When Sri. Nizar T. M was further questioned by the Chief Manager with regard to the balance amount of Rs.5000/-, he

admitted that he had taken the bundle of cash from the cash cabin and the same contained only Rs.45,000/- and he had returned Rs.45,000/-. It is therefore alleged that Sri. Nizar T. M has stolen an amount of Rs.50,000/- from the cash cabin and returned Rs.45,000/- when the theft was revealed. The acts of Sri. Nizar T. M entail depravity and vileness of his character. Employees working in a financial institution like Bank are custodians of public money and by committing theft Sri. Nizar T. M has proved himself to be dishonest and Bank has lost the trust and confidence reposed on him. Accordingly the Management Bank charged the workman with gross misconduct of doing any act prejudicial to the interest of the Bank or gross negligence involving or likely to involve the Bank in serious loss as per the Bipartite Settlement dt.10.04.2002. The Management therefore appointed an Enquiry Officer and Presenting Officer to conduct an enquiry against the workman. On the request of the workman the Management allowed him to engage an Advocate to be the Defence Assistant for the workman. The Management examined MW1 to MW5 on the Management side. The workman examined himself as a defence witness. The Management examined Sri. Antony M. J. as MW2. According to MW2, he is a customer of the Bank and was waiting in the queue before the cash counter when he saw the workman pocketing a bundle of cash from the cash counter which he reported to the cashier. The fact that MW2 is a customer of the Bank and he was available in the branch on 07.03.2013 is sufficiently proved in the enquiry. The defence assistant failed to discredit the evidence of MW2. The cashier of the branch Sri. Gopakumar C.S was examined as MW3. He also deposed in the enquiry that the workman came to his cabin at 11.30 AM on 07.03.2013 for taking payments of few P/L vouchers. He also deposed that a customer in the queue in front of the cash cabin reported to him that he saw the workman pocketing a bundle of cash. He reported the matter to the Cash Officer and as per Cash Officer's advise closed the cash, verified cash and found a shortage of Rs.50,000/-. After closing the cash in the evening and finding that there is deficit of Rs.50,000/- the matter was reported to the Chief Manager. He further stated in evidence that by 5.15 PM the workman has already left the Branch without permission and therefore he called back to the Branch by the Chief Manager. The workman denied having taken the cash however after sometime the Cash Officer reported that she saw the workman throwing something into the cash cabin. Accordingly the Chief Manager, the Cash Officer and another Clerk came to the cash cabin, opened the same and found that there was a bundle of 500 rupee notes and when the bundle was counted, they found that there was 90 numbers of 500 rupee notes amounting to Rs.45,000/-. When the Chief Manager questioned the workman, he admitted that he has taken the bundle and it contained only Rs.45,000/-. He gave it in writing as per Exbt.ME3 in the enquiry file. The Cash Officer was also examined in the enquiry as MW4. She also gave evidence in line with the charge memo that the missing of cash from the cash cabin was reported to her and later she saw the workman throwing something into the cash cabin which ultimately found to be 90 numbers 500 rupee notes amounting to Rs.45,000/-. The Chief Manager and the Officer who conducted the investigation were also examined in the enquiry as MW1 and MW5 respectively. On a perusal of the evidence both oral and documentary produced by the Management in the enquiry, it is seen that the workman failed to discredit any of the Management witnesses. The chain of evidence would clearly establish the charges leveled against the workman. The Apex Court in various judgments had considered the standard of proof required in a domestic enquiry. It is also a settled law that in a domestic enquiry, the strict and sophisticated rule so fevidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible in a disciplinary enquiry. The Hon'ble Supreme Court in **State of Haryana and others Vs Rattan Singh**, 1977 AIR (SC) 1512 held that

“The simple point is, was there some evidence or was there no evidence not in the sense of the technical rules governing regular court proceedings but in a fair common-sense way as men of understanding and worldly wisdom will accept. Viewed in this way, sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record”.

Applying the above test in the present case, it is seen that there is adequate evidence to establish the case of the Management in the charge sheet that the workman had stolen Rs.50,000/- from the cash counter on 07.03.2013.

Hence the issue regarding the adequacy of evidence to prove the charges against the workman is decided in favour of the Management and against the workman.

7. Issue No. 2

According to the learned Counsel for the workman the punishment of dismissal imposed on the workman is too harsh and disproportionate to the charges alleged and proved in the enquiry. The learned Counsel for the Management on the other side pointed out that the law is settled that an official of the Bank who is dealing with public money is supposed to act with honesty and integrity. Any misconduct alleged and proved against a Bank employee with regard to dishonesty is to be viewed very seriously. According to him the punishment imposed on the workman by the Management is proportionate to the charges proved against him. The law in this regard is settled by various decisions of the Hon'ble Supreme Court of India. In **Chairman and Managing Director, United Commercial Bank Vs P. C. Kakkar**, 2003 4 SCC 364 the Hon'ble Supreme Court held that

“Para 14. A Bank Officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and customers. Every officer/employee of the Bank is required to take all possible

steps to protect the interest of the Bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a Bank officer. Good conduct and discipline are inseparable from the functioning of every officer/employee of the Bank ”

In **Regional Manager U.P.S.R.T.C.Vs Hoti Lal and another**, 2003 3SCC 605 the Hon'ble Supreme Court held that “If the charged employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with matter leniently. Misconduct in such cases has to be dealt with iron hands. Where the person deals with public money or is engaged in financial transactions or acts in a fiduciary capacity, highest degree of integrity and trust-worthiness is a must and unexceptionable”. In a recent decision **Union of India and others Vs M. Duraisamy**, AIR 2022 SC 2002 the Hon'ble Supreme Court examined whether the removal from service of employee on a proved misconduct of serious nature of defrauding public money is required to be interfered by the higher Courts. The Hon'ble Supreme Court after examining all the previous authorities held that “Once a conscious decision was taken by the Disciplinary Authority to remove an employee on the proved misconduct of a very serious nature of defrauding public money, neither the Tribunal nor the High Court should have interfered with the order of punishment imposed by the Disciplinary Authority, which was after considering the gravity and seriousness of the misconduct ”.

8. In this case, it is already found that the disciplinary enquiry was conducted in a fair and proper manner following the principles of natural justice and the findings of the Enquiry Officer and the Disciplinary Authority are on the basis of the evidence and there is no perversity in the findings. The loss of confidence of the Management is a primary factor in such cases. In the present case the workman is found to be guilty of stealing the funds of the Management Bank. There is nothing wrong in the Bank losing confidence or faith in such an employee and awarding punishment of dismissal.

Hence I find that the punishment dismissal awarded to the workman on proved charges of stealing cash from the cash counter of the Management Bank is proportionate to the charges proved against him. Hence the issue is decided in favour of the Management and against the workman.

Hence an award is passed holding that the disciplinary enquiry against the workman was conducted in a fair and proper manner and also there is no perversity in the finding of the Enquiry Officer and also the Disciplinary Authority. The punishment of dismissal imposed on the workman is proportionate to the charges proved against him. Hence the claim of the workman for reinstatement is rejected.

The award will come into force one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and passed by me on this the 01st day of April, 2022.

V. VIJAYA KUMAR, Presiding Officer

APPENDIX

Exhibits for the Management:-

M1 - Enquiry file

नई दिल्ली, 18 जुलाई, 2022

का.आ. 684.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डायरेक्टर, एम्पलॉईस स्टेट इन्शुरन्स कॉर्पोरेशन ऑफ़ इंडिया, ई.एस.आई. हॉस्पिटल, नई दिल्ली; वायुदूत सिक्योरिटी सर्विसेज प्राइवेट लिमिटेड, ई.एस.आई. हॉस्पिटल, नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और श्रीमती बबली, श्री भारतीय इंजीनियरिंग एंड जनरल मज़दूर यूनियन, नई दिल्ली के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली पंचाट (संदर्भ संख्या (173/2019) को प्रकाशित करती है।

[सं. एल-15011/2/2019-आईआर (एम)]

डी. गुहा, अवर सचिव

New Delhi, the 18th July, 2022

S.O. 684.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 173/2019) of the Central Government Industrial Tribunal/Labour Court-2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Director, Employees State Insurance Corporation of India, ESI Hospital, New Delhi; Vayudoot Security Services Pvt. Ltd., ESI Hospital, New Delhi and Smt. Babli, through Bhartiya Engineering & General Mazdoor Union, New Delhi.

[No. L-15011/2/2019-IR(M)]

D. GUHA, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE No. 173/2019**Date of Passing Award- 06th July, 2022****Between:**

Smt. Babli,

Through: - Bhartiya Engineering & General Mazdoor Union,
Bharat Mill Charkhi Gate, Plot No.1, Nr. D-Block,
Karnapura, New Delhi-110015.

...Workman

Versus1. The Director,
Employees State Insurance Corporation of India,
ESI Hospital, Basi Darapur, New Delhi-110015.2. Vayudoot Security Services Pvt. Ltd.
ESI Hospital, Basi Darapur, New Delhi-110015.

...Managements

Appearances:-

Shri Bake Lal (A/R) : For the Workman.

None for the management (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of Vayudoot Security Services Pvt. Ltd. and other, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L- 15011/2/2019 (IR(M) dated 21.06.2019 to this tribunal for adjudication to the following effect.

“Whether termination of the services of Smt. Babli, worker by M/s Vayudoot Security Services Pvt. Ltd., contractor under ESI Hospital, Basi Darapur, New Delhi w.e.f 17.08.2017 is just, fair and legal? If not, what relief Smt. Babli is entitled to and from which date? What directions, if any, are necessary in the matter?”

As per the claim petition the management No.1 ESIC is running hospitals at different locations. For providing service in such hospitals contractors are engaged through tender for providing manpower. Previously one Vishakha Group of company was the contractor and thereafter management No.2 M/s Vayudoot Security Services Pvt. Ltd. was selected as the contractor. The said contractor had engaged the claimant to work in the ESI Hospital and she was working as a housekeeping staff for 3 years. Her last drawn salary was Rs. 11000/- per month. When the claimant was discharging her duties sincerely without giving opportunity of complaint, the management No.2 subjected her to unfair labour practice by not providing appointment letter, annual leave, casual leave, attendance card, bonus and benefits under the EPF and ESI Act. The claimant was very often demanding the same as a legitimate right. She was also demanding the minimum wage declared by the Government of Delhi. Being aggrieved by her demand the management No.2 on 17.08.2017 illegally terminated her service. While doing so neither the notice of termination nor termination compensation or duty pay were paid to her. She visited the office of the management no.2 on several occasions and requested for taking her back to duty. But the management No.2 never considered her request. Having no other remedy available she approached the employees union who filed a complaint on her behalf before the labour commissioner. Though the labour commissioner initiated a conciliation proceeding, the same failed and the Appropriate Government referred the matter to this tribunal for adjudication as per the terms of the reference.

Notices were sent to the respondent no.1 and 2 from this tribunal. Despite service of the notice none appeared on behalf of the managements. Thus, by order dated 19th February 2020 the managements were proceeded ex parte and the claimant was called upon to adduce evidence. Pursuant thereto the claimant filed his affidavit and produced certain documents. The documents include the ESI Card the representation sent to management no.1 requesting reinstatement into service documents showing the duty chart of the claimant and endorsement of the authorities on the same on different dates the photocopy of the cheque paid by management no.2 to the claimant towards the salary etc. No cross examination was done to the said statement of the claimant.

The undisputed documents filed by the claimant and the uncontroverted evidence filed by her lead to a conclusion that she was working as a housekeeping staff in the premises of management no.1 by her employer management no.2 for 3 years preceding to 17.08.2017 i.e the date of her illegal termination. The documents filed by her and marked as exhibit WW1/6 (Colly) clearly proves that she had worked for more than 240 days in the preceding calendar year to the date of her termination. But the management no.2 on 17.08.2017 illegally terminated her service and at the time of termination, the provisions of section 25F of the Id Act was not complied. Not only that no list of seniority was displayed and the rule of last come first go was not followed. Hence, it is held that action of the management no. 2 in terminating the service of the claimant is in gross violation of the provisions of section 25F is illegal and the claimant is entitled to the relief sought for. Hence, ordered.

ORDER

The reference be and the same is answered in affirmative in favour of the claimant. it is held that the action management No.2 M/s. Vayudoot Security Service Pvt. Ltd. the contractor under ESI Hospital Basi Darapur New Delhi in terminating the service of the claimant is illegal and unfair for non compliance of the provisions of section 25F of the ID Act. It is directed that the management No.2 shall reinstate the claimant into service within one month from the date of publication of the award with her last drawn salary and shall also pay her 40% of the back wages from the date of termination and till the date of reinstatement without interest within a further period of one month from the date of reinstatement. If the management would fail to pay the back wages as directed, the amount shall carry interest @6% per annum from the date of termination and till the actual payment is made. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 18 जुलाई, 2022

का.आ. 685.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डायरेक्टर, एम्पलॉईस स्टेट इन्शुरन्स कॉर्पोरेशन ऑफ़ इंडिया, ई.एस.आई. हॉस्पिटल, नई दिल्ली; वायुदूत सिक्योरिटी सर्विसेज प्राइवेट लिमिटेड, ई.एस.आई. हॉस्पिटल, नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और श्रीमती परवीन, श्री भारतीय इंजीनियरिंग एंड जनरल मज़दूर यूनियन, नई दिल्ली के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली पंचाट (संदर्भ संख्या (174/2019) को प्रकाशित करती है।

[सं. एल-15011/3/2019-आईआर(एम)]

डी. गुहा, अवर सचिव

New Delhi, the 18th July, 2022

S.O. 685.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 174/2019) of the Central Government Industrial Tribunal/Labour Court-2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Director, Employees State Insurance Corporation of India, ESI Hospital, New Delhi; Vayudoot Security Services Pvt. Ltd., ESI Hospital, New Delhi and Smt. Parveen, through Bhartiya Engineering & General Mazdoor Union, New Delhi.

[No. L-15011/3/2019-IR(M)]

D. GUHA, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE No. 174/2019**Date of Passing Award- 06th July, 2022****Between:**

Smt. Parveen,

Through:- Bhartiya Engineering & General Mazdoor Union,
Bharat Mill Charkhi Gate, Plot No.1, Nr. D-Block,
Karpura, New Delhi-110015.

... Workman

Versus1. The Director,
Employees State Insurance Corporation of India,
ESI Hospital, Basi Darapur, New Delhi-110015.2. Vayudoot Security Services Pvt. Ltd.
Shop No. D-7, Block-H, Sector-22,
Noida-201301.

...Managements

Appearances:-

Shri Bake Lal (A/R) : For the Workman.

None for the management : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of Vayudoot Security Services Pvt. Ltd. and other, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L- 15011/3/2019 (IR(M)) dated 21.06.2019 to this tribunal for adjudication to the following effect.

“Whether termination of the services of Smt. Parveen, worker w.e.f 21.05.2016 by M/s Vayudoot Security Services Pvt. Ltd., contractor under ESI Hospital, Basi Darapur, New Delhi is just, fair and legal? If not, what relief Smt. Parveen is entitled to and from which date? What other directions, if any, are necessary in the matter?”

As per the claim petition the management No.1 ESIC is running hospitals at different locations. For providing service in such hospitals contractors are engaged through tender for providing manpower. Previously one Vishakha Group of company was the contractor and thereafter management No.2 M/s Vayudoot Security Services Pvt. Ltd. was selected as the contractor. The said contractor had engaged the claimant to work in the ESI Hospital and she was working as a housekeeping staff for 8 years. Her last drawn salary was Rs. 9000/- per month. When the claimant was discharging her duties sincerely without giving opportunity of complaint, the management No.2 subjected her to unfair labour practice by not providing appointment letter, annual leave, casual leave, attendance card, bonus and benefits under the EPF and ESI Act. The claimant was very often demanding the same as a legitimate right. She was also demanding the minimum wage declared by the Government of Delhi. Being aggrieved by her demand the management No.2 on 21.05.2016 illegally terminated her service. While doing so neither the notice of termination nor termination compensation or duty pay were paid to her. She visited the office of the management no.2 on several occasions and requested for taking her back to duty. But the management No.2 never considered her request. Having no other remedy available she approached the employees union who filed a complaint on her behalf before the labour commissioner. Though the labour commissioner initiated a conciliation proceeding, the same failed and the Appropriate Government referred the matter to this tribunal for adjudication as per the terms of the reference.

Notices were sent to the respondent no.1 and 2 from this tribunal. Despite service of the notice none appeared on behalf of the managements. Thus, by order dated 19th February 2020 the managements were proceeded exparte and the claimant was called upon to adduce evidence. Pursuant thereto the claimant filed his affidavit and produced certain documents. The documents include the ESI Card the representation sent to management no.1 requesting reinstatement into service documents showing the duty chart of the claimant and endorsement of the authorities on the same on different dates the photocopy of the cheque paid by management no.2 to the claimant towards the salary etc. No cross examination was done to the said statement of the claimant.

The undisputed documents filed by the claimant and the uncontroverted evidence filed by her lead to a conclusion that she was working as a housekeeping staff in the premises of management no.1 by her employer management no.2 for 8 years preceding to 21.05.2016 i.e the date of her illegal termination. The documents filed by her and marked as exhibit WW1/6 (Colly) clearly proves that she had worked for more than 240 days in the preceding calendar year to the date of her termination. But the management no.2 on 21.05.2016 illegally terminated her service and at the time of termination, the provisions of section 25F of the Id Act was not complied. Not only that no list of seniority was displayed and the rule of last come first go was not followed. Hence, it is held that action of the management no. 2 in terminating the service of the claimant is in gross violation of the provisions of section 25F is illegal and the claimant is entitled to the relief sought for. Hence, ordered.

ORDER

The reference be and the same is answered in affirmative in favour of the claimant. it is held that the action management No.2 M/s Vayudoot Security Service Pvt. Ltd. the contractor under ESI Hospital Basi Darapur New Delhi in terminating the service of the claimant is illegal and unfair for non compliance of the provisions of section 25F of the ID Act. It is directed that the management No.2 shall reinstate the claimant into service within one month from the date of publication of the award with her last drawn salary and shall also pay her 40% of the back wages from the date of termination and till the date of reinstatement without interest within a further period of one month from the date of reinstatement. If the management would fail to pay the back wages as directed, the amount shall carry interest @6% per annum from the date of termination and till the actual payment is made. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 18 जुलाई, 2022

का.आ. 686.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डायरेक्टर, एम्पलॉईस स्टेट इन्शुरन्स कॉर्पोरेशन ऑफ़ इंडिया, ई.एस.आई. हॉस्पिटल, नई दिल्ली; वायुदूत सिक्योरिटी सर्विसेज प्राइवेट लिमिटेड, ई.एस.आई. हॉस्पिटल, नई दिल्ली के प्रबंधन के संबंध में नियोजकों और श्रीमती नाज़िरुन खातून, श्री भारतीय इंजीनियरिंग एंड जनरल मज़दूर यूनियन, नई दिल्ली के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली पंचाट (संदर्भ संख्या (175/2019) को प्रकाशित करती है।

[सं. एल-15011/4/2019-आईआर(एम)]

डी. गुहा, अवर सचिव

New Delhi, the 18th July, 2022

S.O. 686.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 175/2019) of the Central Government Industrial Tribunal/Labour Court-2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Director, Employees State Insurance Corporation of India, ESI Hospital, New Delhi; Vayudoot Security Services Pvt. Ltd., ESI Hospital, New Delhi and Smt. Nazirun Khatun, through Bhartiya Engineering & General Mazdoor Union, New Delhi.

[No. L-15011/4/2019-IR(M)]

D. GUHA, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 175/2019**Date of Passing Award- 06th July, 2022****Between:**

Smt. Nazirun Khatun,

Through:- Bhartiya Engineering & General Mazdoor Union,

Bharat Mill Charkhi Gate, Plot No.1, Nr. D-Block,

Karpura, New Delhi-110015.

... Workman

Versus

3. The Director,
Employees State Insurance Corporation of India,
ESI Hospital, Basi Darapur, New Delhi-110015.

4. Vayudoot Security Services Pvt. Ltd.
Shop No. D-7, Block-H, Sector-22,
Noida-201301.

...Managements

Appearances:-

Shri Bake Lal (A/R) : For the Workman.

None for the management (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of Vayudoot Security Services Pvt. Ltd. and other, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L- 15011/4/2019 (IR(M)) dated 21.06.2019 to this tribunal for adjudication to the following effect.

“Whether termination of the services of Smt. Nazirun Khatun, worker w.e.f 17.05.2016 by M/s Vayudoot Security Services Pvt. Ltd., contractor under ESI Hospital, Basi Darapur, New Delhi is just, fair and legal? If not, what relief Smt. Nazirun Khatun is entitled to and from which date? What other directions, if any, are necessary in the matter?”

As per the claim petition the management No.1 ESIC is running hospitals at different locations. For providing service in such hospitals contractors are engaged through tender for providing manpower. Previously one Vishakha Group of company was the contractor and thereafter management No.2 M/s Vayudoot Security Services Pvt. Ltd. was selected as the contractor. The said contractor had engaged the claimant to work in the ESI Hospital and she was working as a housekeeping staff for 5 years. Her last drawn salary was Rs. 9000/- per month. When the claimant was discharging her duties sincerely without giving opportunity of complaint, the management No.2 subjected her to unfair labour practice by not providing appointment letter, annual leave, casual leave, attendance card, bonus and benefits under the EPF and ESI Act. The claimant was very often demanding the same as a legitimate right. She was also demanding the minimum wage declared by the Government of Delhi. Being aggrieved by her demand the management No.2 on 17.05.2016 illegally terminated her service. While doing so neither the notice of termination nor termination compensation or duty pay were paid to her. She visited the office of the management no.2 on several occasions and requested for taking her back to duty. But the management No.2 never considered her request. Having no other remedy available she approached the employees union who filed a complaint on her behalf before the labour commissioner. Though the labour commissioner initiated a conciliation proceeding, the same failed and the Appropriate Government referred the matter to this tribunal for adjudication as per the terms of the reference.

Notices were sent to the respondent no.1 and 2 from this tribunal. Despite service of the notice none appeared on behalf of the managements. Thus, by order dated 19th February 2020 the managements were proceeded ex parte and the claimant was called upon to adduce evidence. Pursuant thereto the claimant filed his affidavit and produced certain documents. The documents include the ESI Card the representation sent to management no.1 requesting reinstatement into service documents showing the duty chart of the claimant and endorsement of the authorities on the same on different dates the photocopy of the cheque paid by management no.2 to the claimant towards the salary etc. No cross examination was done to the said statement of the claimant.

The undisputed documents filed by the claimant and the uncontroverted evidence filed by her lead to a conclusion that she was working as a housekeeping staff in the premises of management no.1 by her employer management no.2 for 5 years preceding to 17.05.2016 ie the date of her illegal termination. The documents filed by her and marked as exhibit WW1/6 (Colly) clearly proves that she had worked for more than 240 days in the preceding calendar year to the date of her termination. But the management no.2 on 17.05.2016 illegally terminated her service and at the time of termination, the provisions of section 25F of the Id Act was not complied. Not only that no list of seniority was displayed and the rule of last come first go was not followed. Hence, it is held that action of the management no. 2 in terminating the service of the claimant is in gross violation of the provisions of section 25F is illegal and the claimant is entitled to the relief sought for. Hence, ordered.

ORDER

The reference be and the same is answered in affirmative in favour of the claimant. it is held that the action management No.2 M/s Vayudoot Security Service Pvt. Ltd. the contractor under ESI Hospital Basi Darapur New Delhi in terminating the service of the claimant is illegal and unfair for non compliance of the provisions of section 25F of the ID Act. It is directed that the management No.2 shall reinstate the claimant into service within one month from the date of publication of the award with her last drawn salary and shall also pay her 40% of the back wages from the date of termination and till the date of reinstatement without interest within a further period of one month from the date of reinstatement. If the management would fail to pay the back wages as directed, the amount shall carry interest @6% per annum from the date of termination and till the actual payment is made. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 19 जुलाई, 2022

का.आ. 687.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 37/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.07.2022 को प्राप्त हुआ था।

[सं. एल-22011/34/2009-आई.आर. (सीएम-2)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 19th July, 2022

S.O. 687.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2009) of the Central Government Industrial Tribunal-cum-Labour Court, LUCKNOW as shown in the Annexure, in the industrial dispute between the Management of F.C.I. and their workmen, received by the Central Government on 18.07.2022.

[No. L-22011/34/2009-IR (CM-II)]

RAJENDER SINGH, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT LUCKNOW

PRESENT : SOMA SHEKHAR JENA HJS (Retd.)

I.D. No. 37/2009

Ref. No. L-22011/34/2009 – IR (CM-II) dated 30.09.2009

BETWEEN :

The State Secretary
Bhartiya Khadya Nigam Karmchari Sangh
TC/3V, Vibhuti Khand
Gomti Nagar, Lucknow.
(Espousing cause of Shri Iradat Ali)

AND

1. The General Manager
Food Corporation of India
TC/V, Vibhuti, Gomti Nagar, Lucknow
2. The Area Manager
Food Corporation of India
7 R, Dalibagh, Lucknow

AWARD

1. By order No. L-22011/34/2009 – IR (CM-II) dated 30.09.2009 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute for adjudication to this CGIT-cum-Labour Court, Lucknow.

2. The reference under adjudication is:

“WHETHER THE ACTION OF THE MANAGEMENT OF FCI, LUCKNOW/ RAI BAREILLY FOR IMPOSING PENALTIES ON SHRI IRADAT ALI, AG-I(D) VIDE, THEIR ORDERS DATED 21.08.2008, 10.09.2008 AND 22.02.2007 ARE LEGAL AND JUSTIFIED? TO WHAT RELIEF IS THE WORKMAN CONCERNED ENTITLED?”

3. The case of the workman's Union in brief is that the workmen viz. Shri Iradat Ali had been served upon illegal charge sheets dated 26.03.2008, 31.07.2008 and 11.06.2006; and the opposite party without considering replies of the workman to the respective charges sheets, has passed impugned orders dated 21.08.2008, 10.09.2008 and 22.01.2007 respectively; whereby the management has imposed punishment of recovery of Rs. 5,000/-, Rs. 7,000/- and Rs. 20,000/- respectively upon the workman. The workman's union has alleged that the management has issued impugned orders without following due procedure of natural justice and liable to be set aside with consequential benefits to the workman.

4. Per contra, the management of the Food Corporation of India has disputed the claim of the workman's Union by filing its written statement wherein it has submitted that the impugned orders are just and legal and same have been issued after complying with due procedures of the natural justice.

5. The workman's Union has filed rejoinder whereby it has only reiterated its averments in the statement of claim and has not introduced any new fact.

6. After conclusion of evidence, the case was fixed for filing of argument; however, in the meantime the workman, Iradat Ali filed an application dated 14.10.2021/W-35 for to withdrawal of the industrial dispute as he is no longer interested to contest the case and prayed to stop/close the proceedings in the present case.

7. Heard learned counsellor for the workman, who stated that the workman is no more interested to pursue his case, therefore, the proceeding may be dropped accordingly.

8. The workman in his application W-35 has stated that he does not want to contest the case anymore and has prayed for stopping/dropping of the proceedings. It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the action of the management and if no evidence is produced by the party invoking jurisdiction of the Tribunal, his stand must fail. In the instant case the burden was on the workman's Union to prove that the action of the management of Food Corporation of India in issuing impugned orders was illegal and unjustified. The stand of the workman was denied by the management of the Food Corporation of India, therefore, it was incumbent upon the workman to prove its case with cogent evidence; but the workman does not want to pursue the present industrial dispute and wants the closure of the same. Accordingly, there is no need to proceed with the present industrial dispute as grievances of the workman stand redressed. Thus, the representative of the workman has prayed to pass suitable orders.

9. Although provisions of withdrawal of suits under Order 23 Rule 1 CPC are not applicable in the matter of reference under Section 10 of ID Act but, in view of the submission of the counsel for withdrawal of the case, there is no grievance left with the workman. Resultantly, no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

10. Award as above.

LUCKNOW.

07th July, 2022.

SOMA SHEKHAR JENA Presiding Officer

नई दिल्ली, 19 जुलाई, 2022

का.आ. 688.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 108/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.07.2022 को प्राप्त हुआ था।

[सं. एल-22011/44/2010-आईआर (सीएम-2)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 19th July, 2022

S.O. 688.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 108/2011) of the Central Government Industrial Tribunal-cum-Labour Court, LUCKNOW as shown in the Annexure, in the industrial dispute between the Management of F.C.I. and their workmen, received by the Central Government on 18.07.2022.

[No. L-22011/44/2010 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT LUCKNOW

PRESENT : SOMA SHEKHAR JENA HJS (Retd.)

I.D. No. 108/2011

Ref. No. L-22011/44/2010 – IR (CM-II) dated 11.07.2011

BETWEEN :

The State Secretary
Bhartiya Khadya Nigam Karmchari Sangh
TC/3V, Vibhuti Khand
Gomti Nagar, Lucknow.
(Espousing cause of Shri Iradat Ali)

AND

3. The General Manager
Food Corporation of India

TC/V, Vibhuti Khand, Gomti Nagar, Lucknow

AWARD

1. By order No. L-22011/44/2010 – IR (CM-II) dated 11.07.2011 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute for adjudication to this CGIT-cum-Labour Court, Lucknow.

2. The reference under adjudication is:

“WHETHER THE ACTION OF THE MANAGEMENT OF FCI, LUCKNOW IN IMPOSING ALLEGED IMPUGNED PENALTIES VIDE ORDER DT. 25.03.2010, 26.02.2009, 04.02.2010, 10.09.2008, 21.08.2008 AND 14.09.2009 AGAINST SHRI IRADAT ALI, AG-II/AG.I(D) FAIR AND LEGAL? TO WHAT RELIEF THE CONCERNED WORKER IS ENTITLED?”

3. The case of the workman's Union in brief is that the workmen viz. Shri Iradat Ali had been served upon various illegal charge sheets and had been imposed upon penalties which are summarized as under:

S. No.	Charge Sheet date	Penalty order date	Penalty imposed
1.	26.08.2009	25.03.2010	Censure
2.	22.09.2008	26.02.2009	Censure
3.	4/9-6-2009	04.02.2010	Recovery of Rs. 4,362/-
4.	31.07.2008/01.08.2008	10.09.2008	Recovery of Rs. 7,000/-
5.	26/29-03-2008	21.08.2008	Recovery of Rs. 5,000/-

The workman's union has alleged that the opposite party without considering replies of the workman to the respective charges sheets, has passed impugned orders. The workman's union has further alleged that the management had issued impugned orders without following due procedure of natural justice and liable to be set aside with consequential benefits to the workman.

4. Per contra, the management of the Food Corporation of India has disputed the claim of the workman's Union by filing its written statement wherein it has submitted that the impugned orders are just and legal and same have been issued after complying with due procedures of the natural justice.

5. The workman's Union has filed rejoinder whereby it has only reiterated its averments in the statement of claim and has not introduced any new fact.

6. After conclusion of pleadings, the case was fixed for filing of workman's evidence on affidavit; however, in the meantime the workman, Iradat Ali filed an application dated 14.10.2021/W-18 for withdrawal of the industrial dispute as he is no longer interested to contest the case and prayed to stop/close the proceedings in the present case.

7. Heard learned counsel for the workman, who stated that the workman is no more interested to pursue his case, therefore, the proceeding may be dropped accordingly.

8. The workman in his application W-18 has stated that he does not want to contest the case anymore and has prayed for stopping/dropping of the proceedings. It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the action of the management and if no evidence is produced by the party invoking jurisdiction of the Tribunal, his stand must fail. In the instant case the burden was on the workman's Union to prove that the action of the management of Food Corporation of India in issuing impugned orders was illegal and unjustified. The stand of the workman was denied by the management of the Food Corporation of India, therefore, it was incumbent upon the workman to prove its case with cogent evidence; but the workman does not want to pursue the present industrial dispute and wants the closure of the same. Accordingly, there is no need to proceed with the present industrial dispute as grievances of the workman stand redressed. Thus, the representative of the workman has prayed to pass suitable orders.

9. Although provisions of withdrawal of suits under Order 23 Rule 1 CPC are not applicable in the matter of reference under Section 10 of ID Act but, in view of the submission of the counsel for withdrawal of the case, there is no grievance left with the workman. Resultantly, no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

10. Award as above.

LUCKNOW.

07th July, 2022

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 21 जुलाई, 2022

का.आ. 689.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 दिल्ली के पंचाट (संदर्भ संख्या 114/2020) को प्रकाशित करती है।

[सं. एल-12011/09/2020-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 21st July, 2022

S.O. 689.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 114/2020) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No.II, Delhi as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/09/2020- IR(B-1)]

D.GUHA, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty**ID. NO. 114/2020**

Shri Ravish Kumar Verma,
Through-Sh. Man Mohan Sood, Regional Secretary,
State Bank of India Staff Association, Region –IV,
Saharanpur, Add: House No. 1B/4181, Street No. 48,
Near Sharda Nagar Chowk, Sharanpur, Uttar Pradesh-247001.

...Workman

Versus

1. The Regional Manager,
STATE BANK OF INDIA,
Region –IV, Sharanpur, Opp. Thana Sadar,
Saharanpur, Uttar Pradesh-247001.

...Management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No.L-12011/09/2020(IR(B-I) dated 11.03.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the management of State Bank of India is justified in denying the payment of salary in lieu of recovery of excess paid sum to the workman Shri Ravish Kumar Verma, retired from armed forces and reemployed with bank? If so, is the bank management free to recover the excess amount paid to the workman as it deem fit?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the management. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date : 10th May, 2022

PRANITA MOHANTY, Presiding Officer